

ORDINANCE NO 2013-8

**AN ORDINANCE OF THE TOWN OF NUCLA COLORADO
ESTABLISHING REGULATIONS, REQUIREMENTS, RATES AND
PROCEDURES RELATING TO THE TOWN'S SEWER SYSTEM**

WHEREAS, the Town of Nucla, Colorado, owns and operates the Town's sewer system and

WHEREAS, the Board of Trustees of the Town of Nucla Colorado, has reviewed historical sewer ordinances and found them in need of revision;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCLA, COLORADO, that:

I. APPLICABILITY

All users within the Town borders shall be subject to the terms and conditions as set out in this Ordinance, and all users of the sewer system shall be subject to all applicable rules and regulations of this ordinance and of the sewer system as they now exist, or as they may be amended in the future.

The owner of any property served by the sewer system shall be liable for all fees, charges, and penalties imposed by usage of the sewer system and for compliance with other requirements herein.

II. DEFINITIONS

1. Biochemical Oxygen Demand (B.O.D.) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter in the dark during 5 days at 20° C, expressed in milligrams per liter.
2. Building Sewer shall mean the sewer pipe extension from three (3) feet from the building to the public sewer or other place of disposal.
3. Contractor shall mean any person, firm or corporation making any connections, alterations or changes in the physical facilities of the Town.
4. Customer shall mean the person in whose name sewer service is taken or who is using sewer system.
5. Garbage shall mean solid wastes, excluding grease, from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
6. Industrial wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
7. Inspector, Public Works Director, or Town shall mean the person or persons duly appointed by the Board of Trustees of the Town of Nucla to be charged with the enforcement of these rules and regulations under the direction of the Board of Trustees. He shall perform such other duties as the Board of Trustees shall require or authorize.
8. Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
9. Person shall mean any individual, firm, company, association, society, corporation, partnership, state or political subdivision thereof, federal agency, state agency, municipality, interstate body, or any group.

10. pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration.
11. Pollutant means dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, any industrial, municipal, or agricultural waste.
12. Public sewer shall mean a sewer within the Town service area that is controlled by the Town.
13. Sewage treatment plant shall mean any arrangement of devices and structures for treating sewage.
14. Sewer system shall mean all facilities for collecting, measuring, monitoring, pumping, treating, and disposing of sewage.
15. Sewer shall mean pipe or conduit for carrying sewage unless specifically defined as a different type of sewer (such as storm sewer).
16. "Shall" is mandatory; "May" is permissive.
17. Suspended solids shall mean solids that either float on the surface of, or are in suspension in the water, sewage, or other liquids; and which are removable by laboratory filtering.
18. Trap shall mean a device for retaining sand, silt, grit, mineral material, petroleum solvent, grease or oil by gravity differential separation from wastewater and of a design and capacity approved by the Town.
19. Unit shall be the primary basis for calculating tap fees and service charges. Units are defined in Section XI below.
20. Waste shall mean any solid, liquid, gas, or combination thereof that is no longer needed or usable for the intended purpose; spent or used material that contains dissolved and/or suspended matter.

III. SPECIFICATIONS

All connections, main service lines, and plumbing connected thereto and served thereby shall comply with applicable State of Colorado regulations and applicable construction and design specifications of the Town.

IV. APPLICATION FOR CONNECTION AND SERVICE

In all cases where rates and charges are not definitely fixed, or there is uncertainty as to the proper classification, the same shall be fixed by the Board of Trustees from time to time by ordinance, resolution, or amendment to these Rules and Regulations.

1. Applications for Connection and Service: No connection to the sewer system shall be allowed until an application is submitted on forms provided by the Town, which forms shall require information as may be necessary for proper management and operation of the systems and shall include a plan of the property to be served and approved by the Board of Trustees. The application shall be accompanied by required system investment and tap fees conforming to the sewer system requirements. Applications for connection to the sewer system shall be accompanied by properly executed documents granting the Town all easements reasonably necessary for water, sewer, and/or drainage as required by the Town. Application for sewer service shall be made on forms provided by the Town, which forms shall require information as may be necessary for the proper billing and management of the sewer system. All applications for connection and service must be reviewed by the Town Board and approved or rejected as appropriate and must be in conformity with the rules and regulations outlined below.

2. Independent Connections: Each house and dwelling shall be separate and independent from that of any other house, dwelling, or store, and each shall have an independent connection with the sewer system, except in the cases of apartments, trailer, and RV parks which the Town may allow a single connection for such facility in single ownership and which is sized and assessed based on the number of units to be served. Increases in number of units served will result in a need to upgrade the size of service and pay the related increase in fees. A single building may, however, apply for separate taps for separate units in the same building.

V. MORATORIUM

The Town Board may declare a moratorium on new connections and/or line extensions for the entire system or any part thereof at any time due to limitations on system capacity or other circumstances that require, in their opinion, such action.

VII. LINE EXTENSIONS

No sewer main may be constructed or extended without approval of the Town Board of Trustees. Any such main shall be connected to the sewer system and shall be dedicated to that system upon approval of construction by the Town Board of Trustees. In all cases, extensions shall be constructed in accordance with plans and specifications approved by the Town Board of Trustees and under the supervision of an engineer and contractor. Such plans and specifications must receive the approval of the Town Board of Trustees prior to commencement of any construction. Upon completion, evidence shall be furnished to the Town Board of Trustees that full payment has been made for all labor and materials used in such construction and a deed and easement conveying said line to the sewer system free and clear of any liens or encumbrances shall be tendered to the Town Board of Trustees prior to sewer system providing service; however, for three (3) years following the commencement of service, the owner(s) of the property shall be responsible for any and all maintenance thereon deemed necessary by the Town.

The Town may provide for extension of sewer mains in accordance with its subdivision regulations or by contract with any person desiring an extension. Such contract shall be on such terms as are approved by the Town Board of Trustees and may provide for the size of mains to be extended, the apportionment of the costs, prepayment of system investment and tap fees, and such other provisions as the Town Board of Trustees deems in the Town's public interest. Such extensions will ordinarily be at the cost of the parties desiring the extension.

VIII. USE OF PUBLIC SEWERS REQUIRED

The owner or occupant of any structure where people live, work or congregate, shall provide an adequate and convenient sewage disposal system in good working order. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon, under, and/or within public or private property within the jurisdiction of the Town Board, any human or animal excrement, garbage, or other objectionable waste. It shall be unlawful to discharge to any natural outlet within the area under the jurisdiction of said Board, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with Colorado State Department of Health requirements and standards.

IX. COMPULSORY SEWER SYSTEM CONNECTION

- 1.** The owner of a Town lot on which wastewater is generated must connect to the sewer system if the lot is located within 400 feet of a sewer system line, so that all wastewater generated on the lot is processed through the sewer system. Town lots located within 400 feet of a sewer system line and which use an existing State of Colorado approved septic system to treat the wastewater are not required to connect to the sewer system line unless any part of the system allows the wastewater to pollute the ground water or leave the owner's property, in which case they must connect to the sewer system. All lots located more than 400 feet from a sewer system line and which use an existing State of Colorado approved septic system must maintain that system so that no part of the system allows the wastewater to pollute the ground water or leave the owner's property. Town lots located more than 400 feet from a sewer system line that are found to pollute the ground water or allow wastewater to leave the owner's property must connect to the sewer system. All such connections shall be at the expense of the owner of said property, including payment of applicable tap and connection fees and shall occur within sixty (60) days after official notification to do so. In the event the owner fails to make the connection and pay the applicable fees, the sewer system may make the connection and collect the costs incurred from the owner of the affected property by all legal means available including certifying such amounts to the County Treasurer to be collected as taxes.
- 2.** Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for the disposal of sewage.
- 3.** A permit for a privately owned treatment system may also be authorized by the Town Board for industrial wastes that would otherwise be harmful to the Town's treatment plant. Any privately owned system allowed must comply with applicable Montrose County and State of Colorado regulations.
- 4.** Privately owned sewer lines may not serve additional users without approval from the Town Board.

X. PROHIBITED USES OF SEWERS

- 1. Industrial Wastes:** No oils, acids or other waste matter which may be detrimental to the treatment process of the sewage treatment plant shall be knowingly permitted to be discharged into the sewer system by any owner, tenant, lessee, or user. Car washes, garages, filling stations, and motor repair shops are prohibited from washing, dumping, or pouring oil, grease, paint, antifreeze or hydrocarbon solvents into the sewer system or into any lines connecting to the sewer system. Factories and industrial plants may discharge wastes into the system only if the same is comparable to typical domestic sewage; provided, however, that written permission to do so must first be obtained from the Board of Trustees of the Town. To aid in determining pretreatment requirements all industrial users must complete a wastewater questionnaire annually or when requested by the Town, and the user's pretreatment requirements may be adjusted as a result of that questionnaire.
- 2. Drains:** Drains that will permit the entrance of any ground water or the water from roof and surface drains shall not in any manner, directly or indirectly, be connected with the sanitary sewer system. The Town shall have the right inspect sewer system connections in the event of concern. If the inspection discloses the existence of such connections, the Town shall have the right to immediately seal off the same and the expense thereof shall be paid by the owner of such property, which amounts may be collected by any legal means available, including certifying such amounts to the County Treasurer to be collected as taxes.

3. It shall be unlawful for sewer users to knowingly permit or cause the following materials to be discharged into sewer system:

- a. Any material harmful to the Town's sewer collection or treatment system, including, but not limited to sand, gravel, mud, bleeding water flows, storm water, surface water, ground water, roof runoff, subsurface drainage, or polluted industrial process liquids.
- b. Any liquid, solid, or gas, capable of obstructing flow or interfering with the operation of the sewage collection or treatment facility.
- c. Any pollutants that either alone or in combination create interference with the biological and/or chemical treatment of sewage.
- d. Any pollutants that create a fire or explosion hazard in the treatment facility, including, but not limited to, waste streams with a closed cup flash point of less than 600 C. (140⁰F.) using the test methods specified in 40 CFR 261.21.
- e. Any pollutants that will cause corrosive structural damage to the sewage collection or treatment facilities or to personnel, but in no case discharges with a pH lower than 5.0 or higher than 9.0.
- f. Any liquid or vapor having a temperature higher than 150F (65C), or which in combination with other wastes entering the plant will result in an influent temperature exceeding 104F (40C).
- g. Any pollutants including oxygen demanding pollutants (B.O.D.), released in a discharge at a flow rate and/or pollutant concentration that will cause interference with any treatment process at the treatment facilities or will cause a localized septic condition in the collection system.
- h. Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- i. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plaster, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper and normal operation of the sewer system .
- j. Any garbage that has not been properly shredded to less than 1/4" in largest dimension.
- k. Any petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or any type of oil in amounts that will cause interference, nor any water or waste that may contain more than 100 ppm (parts per million) by weight, of fat, oil, or grease.
- l. Any pollutants which result in the presence of toxic or poisonous substances, gases, vapors, fumes, or other toxic or poisonous properties within the sewage collection or treatment facilities in a quantity that may cause a hazard to worker health and safety or to the public at large or animals, or create any hazard to the receiving waters.
- m. Any noxious or malodorous wastes, waters, gases, or substances capable of creating a public nuisance, either in the public sewer or at the sewage treatment plant.
- n. Any specific pollutant that exceeds a local limitation established by the Town in accordance with the requirements of 40 CFR 403.5(c) and (d).
- o. Any pollutants in violation of specific pretreatment limitations promulgated for specific industrial categories under Section 307 of the Federal Clean Water Act (40 CFR 405 et seq.).
- p. Any trucked or hauled pollutants unless authorized by a written permit approved by the Town Board.

4. It shall be unlawful to do any of the following:

- a. To damage, destroy, or tamper with any part of the sewer system.
- b. To make any cross connection between the Town's water system and any other water supply, sewage, waste water line, or irrigation water system.

c. To connect floor drains from garages or other non-living areas of any residence to the sewer system.

d. To connect a floor drain in a car wash, service station, garage, or other commercial or industrial facility to the Town's sewer system, unless the express permission of the Town has first been obtained and a grease or grit trap has been installed and approved by the Town.

5. Grease, Oil, and Sand Traps: Grease, oil, and sand interceptors (traps) shall be provided by the sewer user, when in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing greases or oils in excessive amounts, or any flammable wastes, sand, and other harmful ingredients. All traps shall be of a type and capacity approved by the Town. The trap shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be watertight and, if necessary, gas-tight. Where installed, all grease and oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be subject to random and/or annual inspections by the Town including, but not limited to, inspecting the facilities and checking documentation of proper operation and maintenance procedures. It shall be illegal to modify or otherwise alter such devices in such a manner as to preclude the proper and efficient operation of such device either permanently or temporarily. Grease interceptors shall be installed in the waste lines leading from kitchen sinks, drains and other fixtures of equipment in the following establishments; restaurants, school kitchens, hotels, motels, hospitals, nursing homes, bars and clubs, or other establishments where grease may be introduced into the sewer system in quantities that can effect line stoppage or hinder sewage treatment. Sand interceptors shall be installed in the waste lines of car washes, service stations or other establishments where sand and grit may be introduced in large enough quantities to interfere with the sewer system.

6. Uses Subject to Review: The admission into the public sewers of any wastes having any of the following shall be subject to review by the Board. Where necessary, the owner shall provide at his expense such preliminary treatment as may be necessary. Where preliminary treatment facilities are to be provided for any waste or water, they shall meet with the prior approval of the Board for adequacy of design and, once built, shall be maintained continuously in satisfactory and effective operation by the owner, as his expense, subject to inspection by the Town.

a. A 5-day B.O.D. greater than 250 ppm.

b. Containing more than 300 ppm of suspended solids.

c. Containing any quantity of substances having the characteristics described in Section 3(c).

d. An average daily flow greater than 5% of the average daily flow of the area.

7. Incompatible Wastes: Additional fees may be assessed for incompatible wastes as may be provided elsewhere in Town ordinances and regulations. Nothing in this paragraph shall be construed to limit the ability of the Town to sever or discontinue service to users whose waste streams are not comparable to domestic waste in strength, constitution, or volume.

8. Testing Industrial Wastes: When required by the Board, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole shall be accessible and safely located, and constructed in accordance with plans and specifications approved by the Board. The manhole shall be installed by the owner at his expense and maintained at his expense. All measurements, tests, and analysis of the character of

wastes and water to which reference is made heretofore shall be determined in accordance with the current edition of the Standard Methods for the Examination of Water and Sewage (APHA publication) and shall be determined at the control manhole provided in the section above, at expense of owner.

XI. TAP FEES AND SERVICE CHARGES BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCLA, COLORADO.

1. Commodity Rates Sewer - The commodity rate for sewer shall be \$18.00 per month minimum and will be calculated dependant on potable water usage being a minimum of 5000 gallons.

Standard Multiplier - For the purposes of this Ordinance, the above defined rates and allowances shall be considered the standard multiplier. When applied, the standard multiplier shall be applied for both the commodity rate and the associated allowance.

2. Surcharge Rates - Sewer Surcharge Rates will match those of the Potable water. Usage more than allowed by the commodity rate will incur a surcharge fee. Surcharge fees are as follows: The sewer commodity rate entitles the consumer to an allowance of 5,000 gallons of potable water.

a. Usage in excess of 5,000 will incur a surcharge fee of \$3.00 per 1,000 gallons used or portion thereof.

b. All rates and surcharges may be changed by resolution of the Board of Trustees.

c. Exceptions may be addressed on an individual basis by the Board of Trustees.

3. Dwelling Types

The foregoing commodity rates and allowances established are for residential, single family dwellings, including mobile homes or for retail business offices or professional businesses. With respect to other types of dwellings and uses, the following rates and allowances shall apply:

a. For duplex, triplex, fourplex, or similar multiple family dwelling structures, including apartment houses, the standard multiplier shall be applied times the number of dwelling units or apartments.

b. For a motel/hotel/bed & breakfast/boarding house the standard multiplier shall be applied for each two units.

c. For a trailer/RV park the standard multiplier shall be applied for each unit/space in operation

4. Monthly Service Charge: The monthly rates within the sewer system of Nucla shall be set periodically by the Board of Trustees via resolution.

5. Billing: Sewer services shall be charged on a composite utility bill that may also include water services. Billing procedures detailed in Section 5 of Town Ordinance no. 2011-249 and any amendments thereof, also apply to sewer collection charges. This composite utility bill is not separable and failure to pay the sewer collection part of the bill will be deemed to be failure to pay the bill in its entirety

6. Lien: Until paid, all rates, tolls, fees, expenses, penalties or charges, constitute a first and perpetual lien on and against the property served, and any such lien may be foreclosed or collected in the manner provided by the laws of the State of Colorado or by these regulations or other ordinance provision of the Town of Nucla, Colorado.

XII. GENERAL PROVISIONS

1. Maintenance and Installation Responsibilities

- a.** Each customer shall be responsible for the cost of installation and the maintenance of his sewer connection from the main sewer line through the entire length of the sewer service line necessary to serve his property.
- b.** It shall be the responsibility of the property owner to keep the service line between the unit connected and the sewer line of the Town clean and clear of any obstruction and to keep said line in good repair at all times so that there shall be no improper infiltration of water through said line or accumulation of septic sewage therein. In case of the failure of the property owner to properly maintain or clear said line, the Town, after providing forty-eight (48) hours written notice to the property owner or the occupant, may disconnect said service line from the public sewer. The cost of the same plus the notice fee of \$10.00 shall be charged to the owner of the property and shall constitute a lien on said property until paid, which amounts may be collected in any legal manner, including certifying such amounts to the County Treasurer to be collected as taxes.
- c.** If any portion of the sewer lines or facility for which the customer is responsible is in need of repair, and the customer fails to make such repairs within 48 hours following the notice from the Town, the Town may either terminate water service or make the repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by the Town, including certifying such charges to the County Treasurer to be collected as taxes.
- d.** The Town will make all taps. It shall be the customer's responsibility, after securing the appropriate permits (including road cut permit) and scheduling with the Town, to expose the main and provide sufficient excavated area for making the tap, including an area cleared completely around the main and service line.
- e.** The customer shall provide for installation and maintenance of service lines, under the Town's supervision and subject to the Town's approval. After connection has been made and before any back filling has commenced, the Town shall inspect drain lines, traps and connections, to ensure that the work is done in accordance with Town standards and with these Rules and Regulations. The date of connection shall be reported to the Town Clerk by the customer.
- f.** Parties served by sewer system through existing, privately owned collection lines shall be responsible for the maintenance and repair of such lines.
- g.** If any customer damages any Town property, the Town may recover the damages and all applicable fines and penalties from the customer. All such finds, penalties, costs or damages may be included on the customer's monthly bill and collected as a part of it and may be collected separately, at the Town's discretion, in any legal manner, including certifying such charges to the County Treasurer to be collected as taxes.

2. Enforcement

The Town shall enforce the Rules and Regulations and investigate all reports of violations and report such violations promptly to the Board. It shall be the duty of contractors to report all violations of the Rules and Regulations to the Town.

- a. Any violation of this Ordinance is hereby declared to be a nuisance, and may be abated in any manner allowed by law.
- b. The Town may maintain an action in any court of competent jurisdiction to enjoin any violation of this Ordinance and to recover any damages the Town is caused as a result of any violation of this Ordinance.

3. Interference and Damage

The Town may file charges under the appropriate laws of the State of Colorado, or ordinances of the Town of Nucla, against any person or persons who may damage any portion of the sewer system of the Town or any equipment of the Town or who may interfere with any official or employee of the Town in the performance of his duties. Appropriate action shall be taken as provided in the laws of the State of Colorado and ordinances of the Town of Nucla against any person endangering the public health, safety, prosperity, security, or general welfare of the inhabitants of the Town in the manner in which they dispose of human or industrial wastes.

4. Penalties

Any person or persons found to be guilty of violating any provisions of this Ordinance or related Rules and Regulations shall be liable for a penalty in an amount not less than \$50.00 nor more than \$1,000.00 and/or imprisonment of up to one year for each violation as may be assessed by the court. Each day in which such violation shall continue shall be deemed a separate offense.

Any person or persons violating any of the provisions of the Rules and Regulations shall become liable to the Town for any fines, penalties, expense, loss, or damage incurred by the Town occasioned by reason of such violation including costs of enforcement and prosecution.

All other ordinances, resolutions and other provisions of the Town of Nucla, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the extent they are in conflict or inconsistent herewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution, other provisions of the Town of Nucla, Colorado, or parts thereof shall not revive any other section of the same heretofore repealed and superseded.

INTRODUCED, READ, APPROVED, ADOPTED AND ORDERED PUBLISHED BY
THE BOARD OF TRUSTEES OF THE TOWN OF NUCLA, COLORADO, THIS ____ DAY
OF _____, 2013.

TOWN OF NUCLA, COLORADO

By: _____
Mayor Dawna Morris

ATTEST:

Town Clerk Elizabeth Smith